RIO DE CHAMA ACEQUIAS ASSOCIATION

P.O. BOx 687
Medanales, New Mexico 87548

April 6, 2001

Dick Kreiner
Department of the Army
Albuquerque District Corps of Engineers
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435

Dear Mr. Kreiner:

I am in receipt of your letter date March 30, 2001, and I am writing in behalf of the Rio Chama Acequia Association, which represents 27 acequias below the Abiquiu Reservoir. We are very concerned about the plan to store native water at Abiquiu Reservoir for benefit of the silvery minnow as proposed in your letter.

Storage of native Rio Chama water will adversely impact the water rights of these acequias, which have existed for 400 years. The livelihood and culture of several thousand people who are members of our Acequia Association will be threatened by storage of Rio Chama water that belongs to them.

A more detailed letter of adverse impact will follow in a few days to you.

Sincerely,

J. Fred Vigil, President
RCAA

NEW MEXICO INTERSTATE STREAM COMMISSION

BATAAN MEMORIAL BUILDING, ROOM 101
STATE CAPITOL
POST OFFICE BOX 25102
SANTA FE, NEW MEXICO 87504-5102

(505)827-6160
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April 6, 2001

VIA FACSIMILE AND FIRST CLASS MAIL

LTC Raymond G. Midkiff, District Engineer
Attn: Mark Harberg
U.S. Army Corps of Engineers
4101 Jefferson Plaza, N.E.
Albuquerque, NM 87109-3435

RE: Corps Environmental Assessment regarding Storage and Release of Water from the Middle Rio Grande Endangered Species Conservation Pool in Jemez and Abiquiu Reservoirs

Dear Mr. Harberg:

The New Mexico Interstate Stream Commission (ISC) has reviewed the U.S. Army Corps of Engineers (Corps) March 30, 2001 letter, signed by Mr. Schelberg of your branch, providing notice of the preparation by the Corps of an Environmental Assessment (EA) to evaluate the feasibility of storage of native Rio Grande water in Abiquiu and Jemez Canyon Reservoirs, during times when native flows are in excess of downstream demands, and its release under the terms of the state's settlement offer in the Minnow versus Martinez lawsuit.

The ISC both appreciates and supports the Corps efforts on this proposed project. We provide the following information to aid your development of the EA and to clarify specific elements of the settlement proposal as it relates to storage and release of water from Jemez Canyon and Abiquiu reservoirs.

The extraordinary Endangered Species Act motivated water operations of 2000 in combination with favorable precipitation during the fall of 2000 resulted in a 100,000 acre-feet (AF) addition to New Mexico's Rio Grande Compact accrued credit. In part due to the increase in accrued credit, New Mexico proposed the offer of settlement of Minnow v. Martinez mentioned in your March 30, 2001 letter. As part of the settlement

proposal, New Mexico would make available for lease by the U.S. Bureau of Reclamation, for a period of three years, a total of 100,000 AF of New Mexico's native Rio Grande water and establish a Middle Rio Grande Endangered Species Conservation Pool (Conservation Pool) in the Corps' Middle Rio Grande Project Reservoirs.

In order to fill the Conservation Pool, New Mexico proposes to capture and store native Rio Grande water during 2001 through 2003 at times when native Rio Grande flows are in excess of downstream diversion demands in New Mexico above Elephant Butte Reservoir; such water, if not stored, would flow downstream to Elephant Butte Reservoir and contributed to New Mexico's Compact delivery. The native Rio Grande water that New Mexico stores in the Conservation Pool would be released at a sufficient flow rate to maintain flow at points in the Rio Grande critical for the silvery minnow, with total releases over the three-year term not to exceed 90,000 AF, with no more than 30,000 AF (plus any carryover water from the prior year) released in any one calendar year. The release from the portion of the Conservation Pool in Jemez Canyon reservoir will be released from storage proportionally with Conservation Pool Water stored in other reservoirs

None of New Mexico's Rio Grande Compact accrued credit will be "transferred" upstream. However, the above operation will likely decrease New Mexico's accrued credit under the Rio Grande Compact.

If you have any questions regarding the above description of the settlement proposal, or need more information concerning the proposal, please contact Mr. Rolf Schmidt-Petersen at (505) 841-9480 or me at (505) 827-6160.

Sincerely,

Norman Gaume, P.E.
Interstate Stream Engineer

c: Rolf Schmidt-Petersen

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Fike, Richard A SPA

From: Nyleen Stowe [sswcd@sdc.org]
Sent: Thursday, April 05, 2001 3:00 PM
To: Fike, Richard A
Subject: water storage & releases for silvery minnow


ea.doc


LarryWhitefield.doc

Richard-the Socorro SWCD received your letter regarding the storage and release of native water for the silvery minnow. Is this in conjunction with the Bureau of Reclamation's Programmatic EA on supplemental Rio Grande water for the silvery minnow? We submitted comments on their EA which are attached expressing concerns including changes in points of diversion, over-appropriating an already over appropriated basin, compact delivery, and the spread of noxious weeds. Please take a look at these two letters commenting on the EA. If I can answer any questions, please contact me.

Nyleen H. Troxel Stowe
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Socorro Soil & Water Conservation District
103 Neel Ave.
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(505) 835-1710 ext. 5

February 21, 2001

Comment on Rio Grande Supplemental Water Programmatic Environmental Assessment

I wish to comment on several issues that have been ignored in your Programmatic Environmental Assessment.

The first issue is water. The EA addresses Water & Hydrology in section 3.9.1. The EA also addresses Consultation and Coordination in Chapter 4. However, neither of these sections addresses, consults, or coordinates with the Regional Water Planning effort in Socorro County. The Regional Water Planning effort is currently being coordinated by a 32-member, volunteer committee. Professional hydrology companies are handling this work. This plan will incorporate groundwater, surface water, water rights, future and current water demand, population projections, development of alternatives, and other issues such as evaporation and evapo-transpiration. The regional water plan will be an all encompassing, living document when it is completed. This regional water plan should be addressed in your Environmental Assessment.

Also along these lines is the issue of compact delivery of water to Texas. This EA does not list coordination with the Interstate Stream Commission for delivery of compact water.

The second issue is safety of the Residents of Socorro. The EA lists pumping water into the river. The levy was installed around Socorro to protect the residents living here. Parts of this levy have been removed and pumps have been installed to provide water to keep the river wet. Thus the protection the levy provides now has holes in it. It is possible that this area could experience an extremely wet year with tremendous amounts of runoff (i.e. 100-year storm). Would the residents of Socorro be protected from the floodwaters of the Rio Grande? There is the potential for quite a large amount of water to be flowing through the river if releases are made from Cochiti, water is pumped into the river, and a 100-year storm event should hit. Will you have any sort of control structure that will prevent this water from flowing past the levy where these pumps have been installed?

The final issue I wish to address is the storage of water in holding ponds at the Sevilleta NWR, the Ladd S. Gordon Waterfowl Complex, and Bosque del Apache NWR. This will have absolutely devastating consequences for the wildlife at these refuges. The storage of this water during monsoon season will have a tremendous amount of Perennial Pepperweed seed in it. After the water is released from these ponds, it will leave seed behind in a very nice, moist environment where it will easily proliferate.

Perennial Pepperweed is a noxious weed and is the primary weed infestation in Socorro County. It spreads not only by seeds, but also by its rhizomonous root system. Noxious weeds out compete native vegetation. Perennial Pepperweed is very hard to kill, especially in a water environment. Arsenal will kill it, but Arsenal does not currently have an aquatic label. Rodeo seems to have little affect on it. Wildlife does not nest nor do they use Pepperweed as habitat. Thus, many other species, both animal and plant, could wind up being threatened. Other noxious weeds that could easily establish after the storage of water in these ponds are Russian Knapweed, Yellow Toadflax, Camel Thorn, Bull Thistle and Salt Cedar. These weeds simply do not provide a food source or habitat for any species of wildlife. Socorro County has a noxious weed program in place and we are working very hard in a coordinated effort with all agencies and with private individuals to diminish the population of noxious weeds. The storage of water at the refuges will greatly increase their workload in the control of noxious weeds. They must minimize the infestation or face the situation of many other threatened species that currently reside at these refuges.

Nyleen Stowe
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February 21, 2001

Comment on Rio Grande Supplemental Water Programmatic Environmental Assessment

According to the USFWS, during the designation process of critical habitat for the silvery minnow, the low flow conveyance channel (LFCC) was in operation for 27 years in the Rio Grande between San Acacia and the headwaters of Elephant Butte. This means that virtually all of the water from the Rio Grande's natural flow, with minimal exception in early spring flows and occasional arroyo flows, was carried by the LFCC; therefore, the riverbed was dry. Two years after the LFCC was taken out of service, with returning natural flows to the river, the Rio Grande Silvery Minnow was the second most populous native fish in this stretch of the river, comprising 18% of the fish collected per unit effort as per 50 CFR part 17. According to the BOR's biologist at the public scoping meeting held in Socorro, the river has been kept wet since 1996, and the last count per unit effort yielded 3 silvery minnow total. This indicates that keeping the river wet exacerbates the demise of the species.

According to the Draft Rio Grande Supplemental Water Programmatic Environmental Assessment, February 6, 2001, 2.1.3-LFCC water management options paragraph 1-BOR would like to pump out of three and up to eight locations. There are two problems with this. First, it will severely decrease Rio Grande Compact water delivery to Elephant Butte, and if as biologists tell us, the silvery minnow does not live in drain ditches or the LFCC (Plantania, 1993), the water quality in the LFCC could add to the demise of the species. Paragraph 2- again using flow of Elmendorf Drain would severely decrease the Rio Grande Compact flow, and again the water quality is in question. By modifying the gravity outfall at Elmendorf Drain, usable farm ground would be water logged, negating the reason for the Elmendorf Drain. Paragraph 3- BOR's series of drop structures, while reducing seepage from the Rio Grande would also raise the water table in agricultural areas, which is unacceptable. Paragraph 4- BOR's plan to increase flows, by 75-100 cfs into the Rio Grande depletes Rio Grande Compact water by the same amount and logically this is unacceptable.

2.1.4-Off channel interim storage of water at refuges. The timing of these proposed storage would more than likely coincide with seed production of noxious and invasive weed species, thereby spreading seeds throughout the entire water shed area. This is also unacceptable.

2.2- No action alternative; "the no action alternative would result in dryer river conditions, similar to those before 1996." These conditions would be more akin to the

conditions during which the Rio Grande Silvery Minnow comprised 18% of the native species. Perhaps this is the best alternative.

In the Feb. 1, 2001 Law of the Rio Grande Conference, it was stated by BOR personnel that irrigation is the primary objective of the BOR. This has historically been their function, to increase productivity of agricultural lands. It should not be the BOR's duty to develop a plan to recover an endangered species; this should be left to the USFWS. Water in the Rio Grande basin is fully appropriated. It is therefore incumbent on the USFWS to manage what water they have, in a manner consistent with their objectives. The BOR, the Conservancy District, and the Corps of Engineers, should merely convey USFWS water in accordance with their [USFWS] management plan. The BOR should not take on any more responsibilities than they have historically had. Leave the USFWS problems to the USFWS.

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John Carangelo, Chairman, Socorro SWCD
Virginia Johnson, Secretary/Treasurer, Socorro SWCD
Ed Harris, Member, Socorro SWCD
Ernest Cordova, Member, Socorro SWCD
Rafael Carrillo, Member, Socorro SWCD
Rob Bowman, Member, Socorro SWCD

Fike, Richard A SPA

From: Mary Murnane [mmurnane@mercury.bernco.gov]
Sent: Wednesday, April 04, 2001 1:47 PM
To: 'richard.a.fike@usace.army.mil'
Cc: Martin Garcia
Subject: COE letter regarding ISC and Silvery Minnow

Thank you for your letter dated March 30, 2001 regarding the ISC plan to store water upstream for the silvery minnow. At this time, we have several questions which we hope will be addressed either now or in the EA.

What is the criteria for native flows exceeding demand?

Does this activity mean that spring flows would be reduced? If so by what amount/percentage? Is this storage to be an on-going/yearly activity? If so, what is the impact on other potential environmental goals in the region, such as mimicking the natural hydrograph?

Thanks for the opportunity to raise these questions. Please contact me if you require further information.

Sincerely, Mary Murnane